

Title	Family Law: Child Custody Mediation (adopt Judicial Council forms FL-980, FL-985, and FL-987)
Summary	Form FL-980, <i>Intake Form for Child Custody Mediation</i> , would provide a uniform instrument for use by Family Court Services to obtain necessary information from clients at the time of intake for mediation. Forms FL-985, <i>Privacy and Child Custody Mediation (Version 1)</i> , and FL-987, <i>Privacy &amp; Child Custody Mediation (Version 2)</i> , would inform Family Court Services clients of the limits of confidentiality in child custody mediation.
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan Huguenor, Co-chairs
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Discussion	<p><u>Form FL-980</u></p> <p>Rules 5.210(d)(1)(D) and 5.215(e)(1) of the California Rules of Court require mediation programs to utilize a “detailed intake process” that screens for any restraining orders or safety-related issues affecting any party or child named in the proceedings. As a corollary, rules 5.210(e)(1) and 5.215(e)(3) require the mediator to review the intake form before the start of mediation. Currently, Family Court Services intake forms vary substantially from county to county in the type and scope of information they request. Some counties do not currently use an intake form. Proposed form FL-980 would provide a uniform, plain language intake form to help Family Court Services satisfy these requirements.</p> <p>In addition, under rules 5.215(d)(2)(D) and (f), Family Court Services mediators are required to conduct a “differential domestic violence assessment” in domestic violence cases and to screen for a history of domestic violence throughout the Family Court Services process. Specifically, rule 5.215(f)(1) requires Family Court Services to make every effort to identify cases in which incidents of domestic violence are present “as early in the case as possible.” Rule 5.215(f)(2) identifies an intake form as one procedure for identifying domestic violence and lists several questions specific to domestic violence that should be asked. Form FL-980 would implement these rules and enable Family Court Services to begin the mandated domestic violence</p>

screening and assessment process with the initial client intake.

Family Court Services is also required to give two specific notices to mediating parents. Family Code section 6303 and rule 5.215(h)(1) require Family Court Services staff to advise any party who is protected by a restraining order of the right to have a support person attend mediation. In addition, rule 5.215(d)(6) requires Family Court Services to provide information to the parties regarding whether they are entitled to meet with the mediator separately as set forth in Family Code sections 3181. Form FL-980 would incorporate both of these advisements and would therefore enable Family Court Services to give them in a timely and legally accurate manner.

Form FL-980 is designed to be one of the initial steps in the intake and screening process. Information requested on the form is basic and should trigger further screening and assessment by the mediator, particularly in cases where domestic violence, child abuse, or other safety issues exist. Because form FL-980 is not comprehensive, courts may ask additional intake questions by supplementing the form with either written or oral questions.

#### Forms FL-985 and FL-987

Rule 5.210(d)(1)(G) requires mediation services to provide a written description of limitations on the confidentiality of the mediation process. There are several circumstances in which mediators may be required or have discretion to share information gathered in the mediation process. Proposed forms FL-985 and FL-987 would provide the parties with an easily understandable information sheet about the privacy limits that apply to child custody mediation.

Because the limits of confidentiality are different in counties that make recommendations regarding custody than in counties that do not make such recommendations, the committee has developed a proposed form for each context. FL-985 is the form for counties where mediators make recommendations to the courts based on information gathered in the mediation process. Form FL-987 is the form for counties that do not make such recommendations to the court.

The proposed forms are attached at pages 4–7.

Family Code section 3181 is attached at page 8.

Rules 5.210 and 5.215 are attached at pages 9–17.

Attachments

**FL-980****Intake Form for Child Custody Mediation**

**Please complete this 2-sided form and any additional questions included with this form.**

**Important:** *The information you give may not stay private. Read the Privacy and Child Custody Mediation sheet (Form FL-985 or FL-987).*

**For court use only:**

FCS Case #: \_\_\_\_\_

Date: \_\_\_\_\_

Court case #: \_\_\_\_\_

**1** Your name: \_\_\_\_\_  
Address (if you want your residence address to be private, give a mailing address instead): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime phone #: (\_\_\_\_) \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Your court case #: \_\_\_\_\_

Your lawyer (if you have one): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_

**2** Name of other parent: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone #: (\_\_\_\_) \_\_\_\_\_

**3** List all children (under 18) whom you and the other parent have had together (by birth or adoption):

Child's Name	Age	Date of Birth	Sex	Grade in School
_____	_____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____
_____	_____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____
_____	_____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____
_____	_____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____

☐ Check here if you are attaching information about additional children.

**4** Are you and the other parent living apart? ☐ Yes ☐ No  
If yes, how long have you been living apart? \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days

**5** Have you ever participated in a custody case about any of the above children? ☐ Yes ☐ No  
If yes, in which state and county? \_\_\_\_\_

**6** Are there any safety-related issues that impact you or your children? ☐ Yes ☐ No  
If yes, explain: \_\_\_\_\_

**7** Have you or the other parent ever had contact with Child Protective Services? ☐ Yes ☐ No  
If yes, in which state and county? \_\_\_\_\_

**8** Have you or the other parent ever been involved, as a parent, in a juvenile dependency case about any of the above children? ☐ Yes ☐ No  
If yes, in which state and county? \_\_\_\_\_

**9** If you have a disability, the Court may be able to make adjustments for you. Do you need any help to come to mediation? ☐ Yes ☐ No  
If yes, what help do you need? \_\_\_\_\_

**10** Have you ever been abusive to the other parent or been restrained by a restraining order? ☐ Yes ☐ No

Your name: \_\_\_\_\_

**We would like to help you feel safe during mediation. Please answer the questions below if the other parent has ever been abusive to you or to another family member.**

- 11** Has the other parent been violent or abusive **to you**? ☐ Yes ☐ No

*If yes, how many times?* \_\_\_\_\_

*If no, please skip to item 19.*

- 12** When was the most recent violence or abuse? (Date): \_\_\_\_\_

Please describe the violence or abuse: \_\_\_\_\_

\_\_\_\_\_

Were the children there? ☐ Yes ☐ No

- 13** When was the 2nd most recent violence or abuse? (Date): \_\_\_\_\_

Please describe the violence or abuse: \_\_\_\_\_

\_\_\_\_\_

Were the children there? ☐ Yes ☐ No

- 14** When was the worst violence or abuse? (Date): \_\_\_\_\_

Please describe the violence or abuse: \_\_\_\_\_

\_\_\_\_\_

Were the children there? ☐ Yes ☐ No

- 15** Are you worried that the other parent might be violent or abusive to you again? ☐ Yes ☐ No

- 16** Have you ever asked for a restraining order against the other parent? ☐ Yes ☐ No

*If yes, in which state and county?* \_\_\_\_\_

- 17** Do you have a restraining order against the other parent now? ☐ Yes ☐ No

*If yes, you may bring a support person with you to mediation.*

**Generally, if you have experienced domestic violence or have a restraining order against the other parent, you can meet with the mediator separately.**

- 18** Do you want to meet with the mediator separately? ☐ Yes ☐ No

*If yes, the mediator must meet with you separately if you check one of these boxes:*

☐ I have a restraining order against the other parent.

☐ I declare, under penalty of perjury under the laws of the State of California, that the other parent has been violent or abusive to me. *Sign your name*  *(today's date):*

- 19** Has the other parent ever been abusive **to another family member**? ☐ Yes ☐ No

- 20** Has the other parent ever been involved in a criminal domestic violence case? ☐ Yes ☐ No

*If yes, in which state and county?* \_\_\_\_\_

**Does the mediator keep a record of our information?**

Yes. When you go to mediation, the mediator will make a file for your case.

The file includes any information you give on the intake form (Form FL-980) and at the mediation. It also includes any other information the mediator collects about your case.

**Is the information I give in mediation private?**

Not always. The mediator tries to keep your information private. But sometimes the mediator has to share information.

A judge can also require the mediator to give your information to the court.

**When can the mediator share our information?**

The mediator may have to share your information if:

- There may be child abuse or neglect.
- You or another person threatens someone.  
The mediator may have to contact the police and warn the threatened person. The mediator may also ask the judge to make a restraining order to protect the threatened person.
- The mediator thinks one of the people involved may hurt him- or herself or someone else.
- An investigation, evaluation, or appointment of a lawyer would help the children.
- You or the other person is involved in another case in the court, such as a criminal case. A judge can order the mediator to share your information.
- The mediator makes a recommendation to the court.
- You and the other parent reach an agreement. The mediator will share information about the terms of your agreement with the judge.

***Note:** You may have the right to keep some types of information private. You are not giving up those rights by going to mediation.*

**What happens when the mediator makes a recommendation to the court?**

The judge, the parents, and the parents' lawyers will get a written copy of the mediator's recommendation.

In some cases, the mediator is asked to explain the recommendation at a public court hearing.

**For more information, contact:**

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- There may be child abuse or neglect.
- You or another person threatens someone.  
The mediator may have to contact the police and warn the threatened person. The mediator may also ask the judge to make a restraining order to protect the threatened person.
- The mediator thinks one of the people involved may hurt him- or herself or someone else.
- An investigation, evaluation or appointment of a lawyer would help the children.
- You or the other person is involved in another case in the court, such as a criminal case. A judge can order the mediator to share your information.
- You and the other parent reach an agreement. The mediator will share information about the terms of your agreement with the judge.

***Note:** You may have the right to keep some types of information private. You are not giving up those rights by going to mediation.*

**For more information, contact:**

## California Family Code

**3181.** (a) In a proceeding in which mediation is required pursuant to this chapter, where there has been a history of domestic violence between the parties or where a protective order as defined in Section 6218 is in effect, at the request of the party alleging domestic violence in a written declaration under penalty of perjury or protected by the order, the mediator appointed pursuant to this chapter shall meet with the parties separately and at separate times.

(b) Any intake form that an agency charged with providing **family** court services requires the parties to complete before the commencement of mediation shall state that, if a party alleging domestic violence in a written declaration under penalty of perjury or a party protected by a protective order so requests, the mediator will meet with the parties separately and at separate times.



# 2004 California Rules of Court

## **Rule 5.210. Court-connected child custody mediation**

**(a) [Authority]** This rule of court is adopted under article VI, section 6 of the California Constitution and Family Code sections 211, 3160, and 3162(a).

**(b) [Purpose]** This rule sets forth standards of practice and administration for court-connected child custody mediation services that are consistent with the requirements of Family Code section 3161.

**(c) [Definitions]**

(1) "Best interest of the child" is defined in Family Code section 3011.

(2) "Parenting plan" is a plan describing how parents or other appropriate parties will share and divide their decision making and caretaking responsibilities to protect the health, safety, welfare, and best interest of each child who is a subject of the proceedings.

**(d) [Responsibility for mediation services]**

(1) Each court must ensure that:

(A) Mediators are impartial, competent, and uphold the standards of practice contained in this rule of court.

(B) Mediation services and case management procedures implement state law and allow sufficient time for parties to receive orientation, participate fully in mediation, and develop a comprehensive parenting plan without unduly compromising each party's right to due process and a timely resolution of the issues.

(C) Mediation services demonstrate accountability by:

(i) Providing for acceptance of and response to complaints about a mediator's performance;

(ii) Participating in statewide data collection efforts; and

(iii) Disclosing the use of interns to provide mediation services.

(D) The mediation program uses a detailed intake process that screens for, and informs the mediator about, any restraining orders or safety-related issues affecting any party or child named in the proceedings to allow compliance with relevant law or court rules before mediation begins.

(E) Whenever possible, mediation is available from bilingual mediators or other interpreter services that meet the requirements of Evidence Code sections 754(f) and 755(a) and section 18 of the California Standards of Judicial Administration.

(F) Mediation services protect, in accordance with existing law, party confidentiality in:

(i) Storage and disposal of records and any personal information accumulated during the mediation process;

(ii) Interagency coordination or cooperation regarding a particular family or case; and

(iii) Management of child abuse reports and related documents.

(G) Mediation services provide a written description of limitations on the confidentiality of the process.

(H) Within one year of the adoption of this rule, the court adopts a local court rule regarding ex parte communications.

(2) Each court-connected mediator must:

(A) Maintain an overriding concern to integrate the child's best interest within the family context;

(B) Inform the parties and any counsel for a minor child if the mediator will make a recommendation to the court as provided under Family Code section 3184;

(C) Use reasonable efforts and consider safety issues to:

(i) Facilitate the family's transition and reduce acrimony by helping the parties improve their communication skills, focus on the child's needs and areas of stability, identify the family's strengths, and locate counseling or other services;

(ii) Develop a comprehensive parenting agreement that addresses each child's current and future developmental needs; and

(iii) Control for potential power imbalances between the parties during mediation.

*(Subd (d) amended effective January 1, 2003; previously amended effective January 1, 2002.)*

**(e) [Mediation process]** All court-connected mediation processes must be conducted in accordance with state law and include:

(1) Review of the intake form and court file, if available, before the start of mediation;

(2) Oral or written orientation or parent education that facilitates the parties' informed and self-determined decision making about:

(A) The types of disputed issues generally discussed in mediation and the range of possible outcomes from the mediation process;

(B) The mediation process, including the mediator's role; the circumstances that may lead the mediator to make a particular recommendation to the court; limitations on the confidentiality of the process; and access to information communicated by the parties or included in the mediation file;

(C) How to make best use of information drawn from current research and professional experience to facilitate the mediation process, parties' communication, and co-parenting relationship; and

(D) How to address each child's current and future developmental needs;

(3) Interviews with children at the mediator's discretion and consistent with Family Code section 3180(a). The mediator may interview the child alone or together with other interested parties, including stepparents, siblings, new or step-siblings, or other family members significant to the child. If interviewing a child, the mediator must:

(A) Inform the child in an age-appropriate way of the mediator's obligation to disclose suspected child abuse and neglect and the local policies concerning disclosure of the child's statements to the court; and

(B) With parental consent, coordinate interview and information exchange among agency or private professionals to reduce the number of interviews a child might experience;

(4) Assistance to the parties, without undue influence or personal bias, in developing a parenting plan that protects the health, safety, welfare, and best interest of the child and that optimizes the child's relationship with each party by including, as appropriate, provisions for supervised visitation in high-risk cases; designations for legal and physical custody; a description of each party's authority to make decisions that affect the child;

language that minimizes legal, mental health, or other jargon; and a detailed schedule of the time a child is to spend with each party, including vacations, holidays, and special occasions, and times when the child's contact with a party may be interrupted;

(5) Extension of time to allow the parties to gather additional information if the mediator determines that such information will help the discussion proceed in a fair and orderly manner or facilitate an agreement;

(6) Suspension or discontinuance of mediation if allegations of child abuse or neglect are made until a designated agency performs an investigation and reports a case determination to the mediator;

(7) Termination of mediation if the mediator believes that he or she is unable to achieve a balanced discussion between the parties;

(8) Conclusion of mediation with:

(A) A written parenting plan summarizing the parties' agreement or mediator's recommendation that is given to counsel or the parties before the recommendation is presented to the court; and

(B) A written or oral description of any subsequent case management or court procedures for resolving one or more outstanding custody or visitation issues, including instructions for obtaining temporary orders; and

(9) Return to mediation to resolve future custody or visitation disputes.

*(Subd (e) amended effective January 1, 2003.)*

**(f) [Training, continuing education, and experience requirements for mediator, mediation supervisor, and family court services director]** As specified in Family Code sections 1815 and 1816:

(1) All mediators, mediation supervisors, and family court service program directors must:

(A) Complete a minimum of 40 hours of custody and visitation mediation training within the first six months of initial employment as a court-connected mediator;

(B) Attend related continuing education programs, conferences, and workshops; and

(C) Participate in performance supervision and peer review.

(2) Each family court services director and mediation supervisor must attend at least 32 hours of additional training each calendar year. This requirement may be satisfied in part by the domestic violence training required by Family Code section 1816.

*(Subd (f) amended effective January 1, 2003.)*

**(g) [Ethics]** Mediation must be conducted in an atmosphere that encourages trust in the process and a perception of fairness. To that end, mediators must:

(1) Meet the practice and ethical standards of the Code of Ethics for the Court Employees of California and of related law;

(2) Maintain objectivity, provide and gather balanced information for both parties, and control for bias;

(3) Protect the confidentiality of the parties and the child in making any collateral contacts and not release information about the case to any individual except as authorized by the court or statute;

(4) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;

- (5) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;
- (6) Strive to maintain the confidential relationship between the child who is the subject of an evaluation and his or her treating psychotherapist;
- (7) Operate within the limits of his or her training and experience and disclose any limitations or bias that would affect his or her ability to conduct the mediation;
- (8) Not require children to state a custodial preference;
- (9) Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;
- (10) Disclose to the court, parties, attorneys for the parties, and attorney for the child conflicts of interest or dual relationships and not accept any appointment except by court order or the parties' stipulation;
- (11) Be sensitive to the parties' socioeconomic, gender, race, ethnicity, cultural values, religious, family structures, and developmental characteristics; and
- (12) Disclose any actual or potential conflicts of interest. In the event of a conflict of interest, the mediator must suspend mediation and meet and confer in an effort to resolve the conflict of interest to the satisfaction of all parties or according to local court rules. The court may order mediation to continue with another mediator or offer the parties alternatives. The mediator cannot continue unless the parties agree in writing to continue mediation despite the disclosed conflict of interest.

*(Subd (g) amended effective January 1, 2003.)*

*Rule 5.210 amended and renumbered effective January 1, 2003; adopted as rule 1257.1 effective July 1, 2001; previously amended effective January 1, 2002..*

### **Rule 5.215. Domestic violence protocol for Family Court Services**

**(a) [Authority]** This rule of court is adopted under article VI, section 6 of the California Constitution and Family Code sections 211, 1850(a), and 3170(b).

**(b) [Purpose]** This rule sets forth the protocol for Family Court Services' handling of domestic violence cases consistent with the requirement of Family Code section 3170(b).

#### **(c) [Definitions]**

(1) "Domestic violence" is used as defined in Family Code sections 6203 and 6211.

(2) "Protective order" is used as defined in Family Code section 6215, "Emergency protective order"; Family Code section 6218, "Protective order"; and Penal Code section 136.2 (orders by court). "Domestic violence restraining order" is synonymous with "protective order."

(3) "Mediation" refers to proceedings described in Family Code section 3161.

(4) "Evaluation" and "investigation" are synonymous terms.

(5) "Family Court Services" refers to court-connected child custody services and child custody mediation made available by superior courts under Family Code section 3160.

(6) "Family Court Services staff" refers to contract and employee mediators, evaluators, investigators, and counselors who provide services on behalf of Family Court Services.

(7) "Differential domestic violence assessment" is a process used to assess the nature of any domestic violence issues in the family so that Family Court Services may provide services in such a way as to protect any victim of domestic violence from intimidation, provide services for perpetrators, and correct for power imbalances created by past and prospective violence.

*(Subd (c) amended effective January 1, 2003.)*

**(d) [Family Court Services: Description and duties]**

(1) *(Local protocols)* Family Court Services must handle domestic violence cases in accordance with pertinent state laws and all applicable rules of court and must develop local protocols in accordance with this rule.

(2) *(Family Court Services duties relative to domestic violence cases)* Family Court Services is a court-connected service that must:

(A) Identify cases in Family Court Services that involve domestic violence, and code Family Court Services files to identify such cases;

(B) Make reasonable efforts to ensure the safety of victims, children, and other parties when they are participating in services provided by Family Court Services;

(C) Make appropriate referrals; and

(D) Conduct a differential domestic violence assessment in domestic violence cases and offer appropriate services as available, such as child custody evaluation, parent education, parent orientation, supervised visitation, child custody mediation, relevant education programs for children, and other services as determined by each superior court.

(3) *(No negotiation of violence)* Family Court Services staff must not negotiate with the parties about using violence with each other, whether either party should or should not obtain or dismiss a restraining order, or whether either party should cooperate with criminal prosecution.

(4) *(Domestic violence restraining orders)* Notwithstanding the above, to the extent permitted under Family Code section 3183(c), in appropriate cases, Family Court Services staff may recommend that restraining orders be issued, pending determination of the controversy, to protect the well-being of the child involved in the controversy.

(5) (*Providing information*) Family Court Services staff must provide information to families accessing their services about the effects of domestic violence on adults and children. Family Court Services programs, including but not limited to orientation programs, must provide information and materials that describe Family Court Services policy and procedures with respect to domestic violence. Where possible, the videotapes provided should be closed-captioned.

(6) (*Separate sessions*) In a Family Court Services case in which there has been a history of domestic violence between the parties or in which a protective order as defined in Family Code section 6218 is in effect, at the request of the party who is alleging domestic violence in a written declaration under penalty of perjury or who is protected by the order, the Family Court Services mediator, counselor, evaluator, or investigator must meet with the parties separately and at separate times. When appropriate, arrangements for separate sessions must protect the confidentiality of each party's times of arrival, departure, and meeting with Family Court Services. Family Court Services must provide information to the parties regarding their options for separate sessions under Family Code sections 3113 and 3181. If domestic violence is discovered after mediation or evaluation has begun, the Family Court Services staff member assigned to the case must confer with the parties separately regarding safety-related issues and the option of continuing in separate sessions at separate times. Family Court Services staff, including support staff, must not respond to a party's request for separate sessions as though it were evidence of his or her lack of cooperation with the Family Court Services process.

(7) (*Referrals*) Family Court Services staff, where applicable, must refer family members to appropriate services. Such services may include but are not limited to programs for perpetrators, counseling and education for children, parent education, services for victims, and legal resources, such as family law facilitators.

(8) (*Community resources*) Family Court Services should maintain a liaison with community-based services offering domestic violence prevention assistance and support so that referrals can be made based on an understanding of available services and service providers.

(*Subd (d) amended effective January 1, 2003.*).

**(e) [Intake]**

(1) (*Court responsibility*) Each court must ensure that Family Court Services programs use a detailed intake process that screens for, and informs staff about, any restraining orders, dependency petitions under Welfare and Institutions Code section 300, and other safety-related issues affecting any party or child named in the proceedings.

(2) (*Intake form*) Any intake form that an agency charged with providing family court services requires the parties to complete before the commencement of mediation or evaluation must state that, if a party alleging domestic violence in a written declaration

under penalty of perjury or a party protected by a protective order so requests, the Family Court Services staff must meet with the parties separately and at separate times.

(3) (*Review of intake form and case file*) All Family Court Services procedures must be conducted in accordance with state law and must include review of intake forms and court files, when available, by appropriate staff.

**(f) [Screening]**

(1) (*Identification of domestic violence*) Screening for a history of domestic violence incidents must be done throughout the Family Court Services process. As early in the case as possible, Family Court Services staff should make every effort to identify cases in which incidents of domestic violence are present. The means by which Family Court Services elicits screening information may be determined by each program. Screening techniques may include but are not limited to questionnaires, telephone interviews, standardized screening devices, and face-to-face interviews.

(2) (*Procedures for identification*) Procedures for identifying domestic violence may include, but are not limited to: (a) determination of an existing emergency protective order or domestic violence restraining order concerning the parties or minor; (b) review of court papers and declarations; (c) telephone interviews; (d) use of an intake form; (e) orientation; (f) information from attorneys, shelters, hospital reports, Child Protective Services, police reports, and criminal background checks; and (g) other collateral sources. Questions specific to incidents of domestic violence should request the following information: date of the parties' separation, frequency of domestic violence, most recent as well as past incidents of domestic violence, concerns about future domestic violence, identities of children and other individuals present at domestic violence incidents or otherwise exposed to the domestic violence, and severity of domestic violence.

(3) (*Context for screening*) In domestic violence cases in which neither party has requested separate sessions at separate times, Family Court Services staff must confer with the parties separately and privately to determine whether joint or separate sessions are appropriate.

**(g) [Safety issues]**

(1) (*Developing a safety plan*) When domestic violence is identified or alleged in a case, Family Court Services staff must consult with the party alleging domestic violence away from the presence of the party against whom such allegations are made, and discuss the existence of or need for a safety plan. Safety planning may include but is not limited to discussion of safe housing, workplace safety, safety for other family members and children, access to financial resources, and information about local domestic violence agencies.

(2) (*Safety procedures*) Each Family Court Services office should develop safety procedures for handling domestic violence cases.

(3) (*Confidential addresses*) Where appropriate, Family Court Services staff must make reasonable efforts to keep residential addresses, work addresses, and contact information-including but not limited to telephone numbers and e-mail addresses-confidential in all cases and on all Family Court Services documents.

**(h) [Support persons]**

(1) (*Support person*) Family Court Services staff must advise the party protected by a protective order of the right to have a support person attend any mediation orientation or mediation sessions, including separate mediation sessions, under Family Code section 6303.

(2) (*Excluding support person*) A Family Court Services staff person may exclude a domestic violence support person from a mediation session if the support person participates in the mediation session or acts as an advocate or the presence of a particular support person disrupts the process of mediation. The presence of the support person does not waive the confidentiality of the process, and the support person is bound by the confidentiality of the process.

*(Subd (h) amended effective January 1, 2003.)*

**(i) [Accessibility of services]** To effectively address domestic violence cases, the court must make reasonable efforts to ensure the availability of safe and accessible services that include, but are not limited to:

(1) (*Language accessibility*) Whenever possible, Family Court Services programs should be conducted in the languages of all participants, including those who are deaf. When the participants use only a language other than spoken English and the Family Court Services staff person does not speak their language, an interpreter-certified whenever possible-should be assigned to interpret at the session. A minor child of the parties must not be used as an interpreter. An adult family member may act as an interpreter only when appropriate interpreters are not available. When a family member is acting as an interpreter, Family Court Services staff should attempt to establish, away from the presence of the potential interpreter and the other party, whether the person alleging domestic violence is comfortable with having that family member interpret for the parties.

(2) (*Facilities design*) To minimize contact between the parties and promote safety in domestic violence cases, courts must give consideration to the design of facilities. Such considerations must include but are not limited to the following: separate and secure waiting areas, separate conference rooms for parent education and mediation, signs providing directions to Family Court Services, and secure parking for users of Family Court Services.

**(j) [Training and education]**



(1) (*Training, continuing education, and experience requirements for Family Court Services staff*) All Family Court Services staff must participate in programs of continuing instruction in issues related to domestic violence, including child abuse, as may be arranged for and provided to them, under Family Code section 1816(a).

(2) (*Advanced domestic violence training*) Family Court Services staff must complete 16 hours of advanced domestic violence training within the first 12 months of employment and 4 hours of domestic violence update training each year thereafter. The content of the 16 hours of advanced domestic violence training and 4 hours of domestic violence update training must be the same as that required for court-appointed child custody investigators and evaluators as stated in rule 5.230. Those staff members employed by Family Court Services on January 1, 2002, who have not already fulfilled the requirements of rule 5.230 must participate in the 16-hour training within one year of the rule's effective date.

(3) (*Support staff*) Family Court Services programs should, where possible, enable support staff, including but not limited to clerical staff, to participate in training on domestic violence and in handling domestic violence cases appropriately.

(*Subd (j) amended effective January 1, 2003.*)

*Rule 5.215 amended and renumbered effective January 1, 2003; adopted as rule 1257.2 effective January 1, 2002.*